

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16799 of 2017

Arising Out of PS.Case No. -44 Year- 2007 Thana -THAKURGANJ District- KISANGANJ

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Moti Soren, son of late Lakhi Soren, resident of Bhimbalis, Police Station-
Thakurganj, District- Kishanganj.

.... Petitioner/s

Versus

The Union of India through Gautam Kumar Sah, Son of not known, Deputy
Inspector/G.D.S.S.B, 21st, Batallian, Kishanganj, Camp Kurlikot, B.
Company, P.S. Kurlikot, District- Kishanganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Pd. A.P.P.
For the Opposite Party/s : Mr. S.D Sanjay (Addl. Soc. Gen.)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 23-06-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Special Case
No. 03 of 2007 arising out of Thakurganj P.S. Case No. 03 of
2007 instituted for the offence under Sections 22, 23 and 25 of the
N.D.P.S. Act.

The prayer for anticipatory bail of the petitioner was
earlier rejected by a coordinate Bench of this Court vide order
dated 8.10.2007 passed in Cr. Misc. 40161 of 2007.

The Sessions Judge has mentioned in the impugned
order that charge sheet has been submitted against the petitioner in
the year 2007 by declaring him absconder. The petitioner has not
surrendered in the court below till date and he has filed a fresh



anticipatory bail application.

There is specific allegation in the written report that one packet of *Heroine* was recovered from under pocket of shirt of Akhtar Alam and another packet was recovered from the rear pocket of his trouser weighing 25 grams with a letter of this petitioner addressed to 'Hari Padda Bhai' along with a currency note of Rs.50/-.

In such circumstances, keeping in view the conduct of the petitioner that he did not surrender even after rejection of anticipatory bail by a coordinate Bench of this Court in the year 2007 and charge sheet has been submitted against him showing absconder, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected. He may surrender in the court below and make prayer for regular bail which will be disposed off by the court below on its own merit without being prejudiced by this order.

S.Ali/-

(Sanjay Priya, J)

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